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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,198	07/10/2003	Kenya Uomori	5077-069/DVA	3517
27572	7590	04/06/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			CHOI, JACOB Y	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/617,198	Applicant(s) UOMORI ET AL.	
	Examiner Jacob Y. Choi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 25 February 2005.

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-22 is/are pending in the application.

    4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 21 and 22 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All    b) ☐ Some \*    c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/03, 10/03, 11/04</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 7/10/2003, 10/09/2003 and 11/30/2004 being considered by the examiner.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

4. Figures 21-25 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: "light source controller". Mentioned claims recite "a plurality of light sources capable of projecting a desired light pattern by controlling a light emitting state of each of the plurality of light sources" but omits essential elements that controls a plurality of light source that would project a desired light pattern.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Azuma et al. (USPN 6,441,888).

Regarding claim 21, applicant's admitted prior art discloses a light source apparatus comprising a plurality of light sources (52a, 52b) arranged therein, being *capable of* projecting a desired light pattern (A, B; Figure 22B) by controlling (55) a light emitting state of each of the plurality of light sources, wherein the plurality of light sources are arranged on a flat surface with optical axes thereof radially disposed (page 3, line 22).

Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Regarding claim 22, applicant's admitted prior art discloses a light source apparatus comprising a plurality of light sources (52a, 52b) arranged therein, being *capable of* projecting a desired light pattern by controlling (55) a light emitting state of

each of the plurality of light sources (52a, 52b), wherein a projection range is divided into a plurality of ranges in a direction for forming the light pattern (pages 2-3, lines 14-2), and groups of light sources respectively covering the plurality of divided ranges are aligned in a direction perpendicular to the direction for forming the light pattern (page 3, lines 22).

9. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanade et al. (USPN 4,427,880).

Regarding claim 21, Kanade et al. discloses a light source apparatus comprising a plurality of light sources (22) arranged therein, being *capable of* projecting a desired light pattern by controlling (62) a light emitting state of each of the plurality of light sources (Figure 6), wherein the plurality of light sources are arranged on a flat surface with optical axes thereof radially disposed (30).

Regarding claim 22, Kanade et al. discloses a light source apparatus comprising a plurality of light sources (22) arranged therein, being *capable of* projecting a desired light pattern by controlling (62) a light emitting state of each of the plurality of light sources, wherein a projection range is divided into a plurality of ranges in a direction for forming the light pattern (Figure 6), and groups of light sources respectively covering the plurality of divided ranges are aligned in a direction perpendicular to the direction for forming the light pattern (30).

10. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Grindon (USPN 4,871,256).

Regarding claim 21, Grindon discloses a light source apparatus comprising a plurality of light sources (12, 14) arranged therein, being *capable of* projecting a desired light pattern (16, 18, 54, 62) by controlling (106, 114, 118, 120) a light emitting state of each of the plurality of light sources, wherein the plurality of light sources are arranged on a flat surface with optical axes thereof radially disposed.

Regarding claim 22, Grindon discloses a light source apparatus comprising a plurality of light sources (12, 14) arranged therein, being *capable of* projecting a desired light pattern by controlling (106, 114, 118, 120) a light emitting state of each of the plurality of light sources, wherein a projection range is divided into a plurality of ranges in a direction for forming the light pattern (Figures 1 and 3), and groups of light sources respectively covering the plurality of divided ranges are aligned in a direction perpendicular to the direction for forming the light pattern (16, 18, 54, 62).

11. Claims 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Holec (USPN 6,392,744).

Regarding claim 21, Holec discloses a light source apparatus comprising a plurality of light sources (100) arranged therein, being *capable of* projecting a desired light pattern (Figures 1, 7 and 8) by controlling (130, 140) a light emitting state of each of the plurality of light sources, wherein the plurality of light sources are arranged on a flat surface with optical axes thereof radially disposed.

Regarding claim 22, Holec discloses a light source apparatus comprising a plurality of light sources (100) arranged therein, being *capable of* projecting a desired light pattern (Figures 1, 7 and 8) by controlling (130, 140) a light emitting state of each of the plurality of light sources, wherein a projection range is divided into a plurality of ranges in a direction for forming the light pattern, and groups of light sources respectively covering the plurality of divided ranges are aligned in a direction perpendicular to the direction for forming the light pattern (Figures 1, 7 and 8).

### ***Response to Preliminary Amendment***

12. Examiner acknowledges that the applicant has withdrawn claims 1-2. Claims 21-22 are pending in this application.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**